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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Written statement submitted by the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 January 1994]

1. In their preliminary report to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/17 and Corr.1), the Special Rapporteurs on the human rights dimensions of population transfer stressed that population transfer has remained a common feature of war and peacetime policy. Following from their in-depth analysis of the different manifestations of this detrimental policy and practice, they concluded that population transfer is never a means to protect human rights and that the cumulative rules of existing and emerging human rights and humanitarian law

are consistent with a legal prohibition against population transfer. However, they recognized that in certain situations, legal protection is inadequate and in almost all current situations, respect for norms expressly or implicitly prohibiting population transfer and the requisite political will to enforce those laws are entirely lacking.

2. As such, they indicated the need for a legal instrument outlawing population transfer as an offence having a character of its own. Such an instrument should clarify that population transfer is prima facie unlawful, and should elaborate with great care the highly exceptional circumstances under which population transfer would be permitted or even be imperative, and thereby regulate its consequences.

3. The International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities considers it of utmost importance that immediate and serious attention is given by all United Nations human rights bodies to the human rights dimensions and legality of population transfer. Certain cases occur in international or internal conflict and other situations in peacetime, as large numbers of conflict situations, as well as cases of consistent human rights abuses, involved forcibly displacing people from their homes or implanting alien settlers onto their territories. And even though the features or consequences of population transfer may not always be as directly visible as when this practice has reached the level of "ethnic cleansing", in most cases occurring in different parts of the world, the effects on the affected population's enjoyment of human rights are grave and the very survival of entire population groups may be at stake.

4. In addition to the necessary long-term attention being given to the question of population transfer by the Sub-Commission's Special Rapporteur, ongoing cases of population transfer should be the subject of immediate consideration by the Commission on Human Rights. In particular, in cases of international (armed) conflict involving the occupation of territory, the implantation of the occupier's own civilian population onto the disputed territory and the subsequent displacement of the original population from its homes and lands are being undertaken with the aim of demographically manipulating the territory so as to serve the occupier's objectives, such as the annexation of the territory and/or the effective control of its population. To allow such practices which constitute a gross violation of the unambiguous prohibition of population transfer contained in article 49 of the Fourth Geneva Convention, undermines respect for and implementation of humanitarian and human rights law at the time its application is most crucial. But it also prevents finding early and peaceful solutions to problems as it exacerbates ethnic sensibilities and conflicts and may eventually jeopardize the peace, security and stability of regions.

5. In this context we refer to five contemporary cases where population transfer continues to be practised and increased movement of settlers into the occupied territory is currently taking place. The persistent movement of Israeli settlers into the Occupied Palestinian Territories, the progressing implantation of Moroccan settlers into the Western Sahara, the continuing movement of Anatolian Turks into northern Cyprus, the migration of Indonesians to the island of East Timor and the increasing rate of settling Chinese in Tibet warrant instant concern.

6. Population transfer forms the essence of the conflict over historic Palestine, with Israel continuing to implant its own "Jewish nationals" onto Palestinian territories acquired by force. Resolving the consequences of Israel's confiscation of Palestinian lands and implantation of settlers in the occupied West Bank and Gaza Strip looms as the greatest challenge to the chronically stalled peace process, and is the key to the Palestinian people's acceptance of the current promise. It is incompatible with the laws of occupation as well as the Palestinian people's right to self-determination that even today, with attempts under way to initiate a limited form of Palestinian self-rule, Israeli settlers continue to move into newly constructed homes in the Occupied Territories. Moreover, it is this persistent and systematic settlement which contributes directly to increased tension, friction and violence between Israeli settlers and the Palestinian population, thus providing the Israeli army with a rationale to remain in order to protect its settler population.

7. The implantation of 120,000 Moroccan settlers, coupled with armed conflict, has prevented the orderly expression of the internationally recognized right of self-determination by the Sahraoui people of Western Sahara. Tens of thousands of Sahraoui refugees were compelled to leave that sparsely populated country engulfed in war. For more than 18 years, various forms of population transfer practices have frustrated the Sahraoui's realization of rights guaranteed to all peoples under international law. An expeditious implementation of the United Nations settlement plan for the Western Sahara, involving a referendum on the future status of the territory, is being frustrated by the recent relocation of an additional 40,000 people and alleged voters from southern Morocco to the Western Sahara.

8. In 1974, 180,000 civilians were expelled or forced to flee the invasion by Turkey, which continues to occupy 37 per cent of the island of Cyprus. The indigenous population of ethnic Greek Cypriots was immediately reduced by 51 per cent, and combined policies of implanting Anatolian Turkish settlers and ethnic apartheid have effectively erased the presence of Greek-speaking Cypriots and their ancient culture from northern Cyprus. Moreover, Turkish Cypriots have been swamped under the influx of numerically dominating Anatolian newcomers. United Nations efforts have striven to restore Cyprus as a reunified single sovereignty. However, the negotiations based on the Secretary-General's Set of Ideas have broken down with the occupier's rejection of the concept of federation, territorial adjustments and restoration of displaced persons to their homes.

9. Soon after the invasion and occupation by Indonesian forces of the island of East Timor in 1975, Indonesia initiated the policy of integrasi aimed at the political, social, cultural and economic integration of the territory and the East Timorese people into the Indonesian State. The main features of the policy of integrasi were, firstly, the internal transfer and concentration of East Timorese from their traditional lands into "resettlement villages" so as to allow for indoctrination and effective control of the population as well as their separation from the resistance forces. This has resulted in widespread famine and death. Secondly, the migration of large numbers of people and families from the overpopulated islands of Indonesia to East Timor was

facilitated. These measures continue to undermine the realization of the internationally recognized right of the people of East Timor to self-determination and frustrate the decolonization of East Timor.

10. Population transfer has been implemented as a State policy by the People's Republic of China towards the Tibetan people from the beginning of the occupation of Tibet in 1949/50. Recently, Chinese policy documents have reconfirmed the intention of the Chinese Government to solve the "Tibetan problem" once and for all by bringing in large numbers of Chinese settlers into Tibet, "with the aim of making it demographically impossible for Tibetans to rise, as is the case in Mongolia and Sinkiang". As such, economic policies affecting Tibet should be understood as being geared toward developing the territory so as to facilitate the reception and settlement of increasing numbers of Chinese civilians. The economic opening up of Tibet, intensified attempts at attracting foreign investment, increased construction in the major towns and in rural areas the creation of opportunities for development agencies to operate their programmes in Tibet should all be seen in this light. In some parts of Tibet, Tibetans have become a minority in their own country and most businesses in the towns are owned and operated by Chinese settlers as a result of population transfer policies. The 1980 Lhasa Development Plan, indicating development in Lhasa to the year 2000, reveals the complete eradication of the Tibetan quarter and the growth of the city to accommodate 200,000 persons, a majority of whom will be Chinese settlers.

11. Such population transfer policies and practices continue to serve as the effective equivalent of military conquest by providing a "civilian" premise for the occupier's claims to retain the spoils of aggression at the expense of the fundamental rights of the civilian population. At the summer 1993 International Conference for the Protection of War Victims, however, despite these and other ongoing cases and the conflicts which they prolong, the international community failed to affirm the humanitarian law principles prohibiting these population transfer practices. Likewise, States have so far evaded their responsibilities to act to prevent or terminate population transfers. The International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities hopes that the United Nations Commission on Human Rights will not neglect the victims of this illegality, and act rather to advance human rights standards to protect against the numerous violations inherent in population transfer.

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